

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

CHRISTOPHER L. CAREY,

Petitioner,

v.

CIVIL ACTION NO. 5:03-cv-00414

TROY WILLIAMS,

Respondent.

JUDGMENT ORDER

Petitioner *pro se* Christopher L. Carey (“Petitioner”) brings this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. By order dated May 12, 2003, this Court referred petitioner’s application to Magistrate Judge R. Clarke VanDervort for proposed findings of fact and a recommendation (“PF&R”). [Docket No. 2]. On August 15, 2006, Judge VanDervort issued a PF&R recommending the dismissal of petitioner’s application with prejudice. [Docket No. 32].

Upon review of the PF&R, this Court adopts Judge VanDervort’s recommendation in its entirety. Petitioner has failed to exhaust his administrative remedies. In addition, petitioner’s due process rights were not violated during his disciplinary proceeding. See Wolf v. McDonnell, 418 U.S. 539, 564-71 (1974).

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the petitioner’s right to appeal this Court’s Order. Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v.

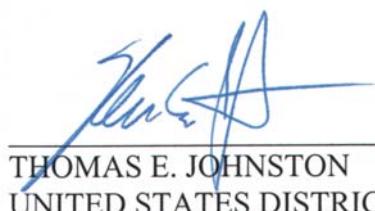
Schronce, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort's PF&R were due by September 1, 2006, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). To date, no objections have been filed.

Accordingly, the Court hereby (1) **GRANTS** respondent's motion to dismiss [Docket No. 24]; (2) **DISMISSES** petitioner's habeas corpus application [Docket No. 1] with prejudice; and (3) **DIRECTS** the Clerk to remove this action from the Court's active docket.

The Clerk is further directed to provide a copy of this Order to all counsel of record, the petitioner, *pro se*, and Magistrate Judge VanDervort.

IT IS SO ORDERED.

ENTERED: September 12, 2006



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE